

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

In re:	:	
	:	
GERALD S. WALL aka	:	CASE NO. 5:18-BK-03323
GERALD SCOTT WALL	:	
Aka GERALD WALL	:	CHAPTER: 13
Debtor	:	
	:	
WELLS FARGO BANK, N.A.	:	PROCEEDING: 11 U.S.C. §362
Movant	:	Relief of Stay
	:	DOCKET NO: 86-7
GERALD S. WALL aka	:	
GERALD SCOTT WALL	:	
Aka GERALD WALL	:	
Respondent	:	JUDGE ROBERT N. OPEL, II

**DEBTOR'S RESPONSE TO MOTION OF WELLS FARGO BANK
FOR RELIEF FROM AUTOMATIC STAY UNDER §362
PURSUANT TO BANKRUPTCY PROCEDURE RULE 4001**

The above Debtor by his attorneys, Doran & Doran, P.C., hereby responds to the Motion of Wells Fargo Bank for relief of stay as follows:

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted. By way of further answer, there are other lienholders with an interest in this property.
5. Denied. Debtor's Chapter 13 Plan provides for the sale of the property and payments to Movant to further protect its position.
6. Denied. It is denied that foreclosure is appropriate.
7. Denied in part. It is admitted that any foreclosure could not proceed once the bankruptcy was filed, but denied that any foreclosure proceeding had been filed by Movant.

8. Denied as stated. Pursuant to the Debtor's Chapter 13 Plan, the Debtor has listed the real property at Ferretti Drive for sale. The Wells Fargo Mortgage will be paid from the sale. The Plan further provides for monthly payments to Wells Fargo for adequate protection. The Debtor is not required to pay the sum of \$1,490.30 per month as Movant has stated.

9. Denied. There is no cause to lift the Automatic Stay. Movant is protected by an equity cushion and payments. By way of further answer, Movant has not filed a Certificate of Service to verify that it has served the other Lienholders with a copy of this Motion as is required by Local Rule 4001-6. This Motion cannot even be properly before the Court if Movant did not serve those parties. There is sufficient equity to pay other lienholders from sale and it would be harmful to creditors to allow Wells Fargo to proceed.


10. Admitted in part. The Debtor has no objection to discussing matters with Movant.

11. Denied.

12. Denied.

WHEREFORE, the Debtor requests that the Motion of Wells Fargo for relief from the automatic stay be set aside for lack of proof of proper service of the Motion and that it also be denied for the reason that the Debtor's Chapter 13 Plan provides for sale of the property, that Wells Fargo has been paid adequate protection payments in addition to the equity cushion that exists, and that because there is sufficient value in the property to pay Wells Fargo as well as pay funds to the junior lienholder, the Internal Revenue Service, the rights of the other creditors should be protected.

DORAN & DORAN, P.C.

By: 
LISA M. DORAN, ESQUIRE ID#58879
Attorney for the Debtors
69 Public Square - Suite 700
Wilkes Barre, PA 1870

Dated: 5-10-2019

In re:

CASE NO. 5:18-BK-03323
CHAPTER: 13
PROCEEDING: 11 U.S.C. §362
Relief of Stay
DOCKET NO: 86-7
JUDGE ROBERT N. OPEL

CERTIFICATE OF SERVICE

I certify that I am more than 18 years of age and that on 5-10-2019 I served a copy of the **Debtor's Response to Motion of Wells Fargo Bank for relief from the automatic stay** on the parties shown below by:

Electronically Mailed:

Jerome Blank, Esq. Atty for Wells Fargo jerome.blank@phelanhallinan.com

United States Trustee ustregion03.ha.ecf@usdoj.gov

Charles J. DeHart, 13 Trustee - dehartstaff@pamd13trustee.com TWecf@pamd13trustee.com

I certify under penalty of perjury that the foregoing is true and correct.

Dated: 5-10-2019

Name: /s/ **Lisa M. Doran**
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